

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Karen Seaworth,

Plaintiff, Civ. Nos. 09-3437 (RHK/LIB)  
v. 09-3438 (RHK/LIB)  
09-3440 (RHK/LIB)  
09-3441 (RHK/LIB)

William Messerli, *et al.*,

## ORDER

## Defendants.

The Court previously granted Defendants' Motions for Summary Judgment in these four actions and dismissed them by Order dated September 3, 2010. Plaintiff now asks the Court for leave to file a Motion for Reconsideration, and she has separately filed a Motion for a "new trial" and/or amendment of the Court's judgment in each case. In both her letter request and her Motion, however, she simply re-hashes arguments that the Court has already considered and rejected.

Leave to file a motion for reconsideration will be granted only “upon a showing of compelling circumstances,” D. Minn. LR 7.1(h), such as to “correct manifest errors of law or fact or to present newly discovered evidence,” Buetow v. A.L.S. Enters., Inc., Civ. No. 07-3970, 2010 WL 2104641, at \*1 (D. Minn. May 21, 2010) (Kyle, J.) (citation omitted). Such a motion cannot be used “as a vehicle to reargue the merits of the underlying Motion.” Id. The same is true of a motion for a new trial or to amend a judgment (under Federal Rule of Civil Procedure 59) and a motion for relief from a

judgment (under Rule 60(b)). See, e.g., Broadway v. Norris, 193 F.3d 987, 989-90 (8th Cir. 1999); Shanghai Host Chem. Co. v. Creative Compounds, L.L.C., No. 1:06CV95, 2009 WL 1444199, at \*3 (E.D. Mo. May 21, 2009). As a result, all of the relief Plaintiff requests must be denied.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Seaworth's request for leave to file a Motion for Reconsideration (Doc. No. 60 in Civ. No. 09-3437; Doc. No. 55 in Civ. No. 09-3438; Doc. No. 55 in Civ. No. 09-3440; Doc. No. 54 in Civ. No. 09-3441) and her Motion for a New Trial and/or Amendment of Judgment (Doc. No. 58 in Civ. No. 09-3437; Doc. No. 52 in Civ. No. 09-3438; Doc. No. 52 in Civ. No. 09-3440; Doc. No. 51 in Civ. No. 09-3441) are **DENIED**.

Dated: September 15, 2010

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge